IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 33713 of 2006(L)

PETITIONER:

AUXILIUM TRAINING CENTRE,
THE KOTTIYAM AUXILIUM SOCIETY,
KIDANGOOR P.O., ANGAMALY, ERNAKULAM DISTRICT,
REP. BY ITS SECRETARY, SISTER MARIETTA KAIDATHARA.

BY ADV. SRI.C.AJITH KUMAR

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE REGIONAL DIRECTOR,
NATIONAL COUNCIL FOR TEACHER EDUCATION,
SOUTHERN REGIONAL COMMITTEE, IST FLOOR,
CSD BUILDING, H.M.T.POST, BANGALORE.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD
STANDING COUNSEL SRI.V.M.KUMARI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.33713 OF 2006

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Dated this the 16th day of January 2007

JUDGMENT

Petitioner made application to the second respondent for recognition to start B.Ed. college in terms of Section 14 of the NCTE Act. Second respondent forwarded the application to the Government for its approval. According to the counsel for second respondent, so far no approval is received from Government and therefore petitioner's application is not considered by it. Government Pleader today produced communication dated 15-9-2006 which shows that Government has informed that prima facie there are sufficient number of B.Ed. colleges in the state and for permitting further colleges, if any, detailed study is required and a committee is appointed in this regard. If this communication is not received by the 2nd respondent, then of course counsel for 2nd respondent to whom a copy is handed over by the Government Pleader today can handover the same to 2nd respondent for considering the same. Since opinion of the Government is negative for the time being, unless the 2nd respondent overrules the same in terms of Rule 3 of the Rules prescribed petitioner cannot get recognition.

2. In the circumstances, writ petition is disposed of directing 2nd respondent to consider Government's objection in terms of Rule 3 of the regulation and if overruled to proceed to consider petitioner's application for recognition and if any more details is required by 2nd respondent from Government, it is for the Government to provide the same to 2nd respondent on their request. Since there is no scope for approving the course in this academic year, there will be a direction to 2nd respondent to communicate its decision on Government's objection on petitioner's application to the petitioner within a period of three months from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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